

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
April 2, 2003

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., April 2, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Andy Kunasek, Vice Chairman; Don Stapley, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Paul Eppinger, Interfaith Action Coalition of Arizona, delivered the invocation.

PLEDGE OF ALLEGIANCE

Terri Leija, District 4, led the assemblage in the Pledge of Allegiance.

POINT OF PRIVILEGE

Former County Supervisor, currently District Court Judge Tom Freestone was in the audience and Chairman Brock recognized his presence by greeting him and asking him to stand.

PET OF THE MONTH

Fluffy, a multi-breed, neutered, male dog was introduced as the "Pet of the Month" from Maricopa County Animal Care & Control. The center is located at 5231 North 35th Avenue and Fluffy will be available for adoption later today. Chairman Brock asked all listeners to help Maricopa County become a no-kill pet community by helping the center eliminate the euthanasia of adoptable pets by adopting a healthy animal that has been neutered and received all necessary shots.

PRESENTATION TO SUPERVISOR KUNASEK - CONTINUED

Presentation and special thanks from Representative Clancy Jayne to Supervisor Kunasek for community support. (ADM650)

Representative Jayne was unable to attend this meeting and the matter was continued to the April 16, 2003, meeting.

NATIONAL RECREATION AND PARK ASSOCIATION AWARD

Recognition of Bill Scalzo, Chief Community Services Officer, on his recent receipt of the National Recreation and Park Association (NRPA), Pacific Southwest Regional Council Distinguished Service Award at the March 20, 2003, conference, held in San Jose, CA. (ADM650)

Mr. Scalzo said his staff had nominated him for this award and he thanked them for expressing their kind thoughts of him in such a manner, "because working for me isn't easy." He said this award also held a special meaning for him because the competition had included some of the "richer" states that "have so much handed to them and they tend to look down on Arizona and its accomplishments." His statement highlights the fact that everyone in his department is pushing for self-sufficiency and independence from the County's General Fund monies. He said, "That makes this feel even better." He thanked the Board "for keeping me employed since I know I can sometimes be disruptive." He alluded to a saying that he

**FORMAL SESSION
April 2, 2003**

attributed to some lawyers and county counsel who say of him, "Bill Scalzo is often wrong but never in doubt." He said that adage may indeed describe him best of all.

REPORT FROM THE CITIZEN'S TASK FORCE ON THE COUNTY HEALTH CARE SYSTEM

Presentation and discussion on recommended action(s) regarding the Maricopa Integrated Health System, and authorize action concerning proposed legislation regarding the recommendations from the Task Force. (This is Addendum item #1.) (ADM2112)

Dr. Merlin DuVal, Vice Chairman of the Citizens' Task Force on the County Health Care System, summarized the efforts and activities the task force had encountered during its relatively short life span. He said that when the Legislature implemented Proposition 204 it relieved the 15 counties in the State from any further obligation to care for the "indigent sick." He acknowledged that this had presented a meaningful dilemma to the Board of Supervisors because suddenly an institution that had been operating to care for the indigent for approximately 125 years (since 1877) was suddenly being relieved of that obligation. However, he said that consideration of the matter determined that while relief was a possibility, closing down the current Maricopa Integrated Health System (MIHS) was unacceptable despite its long-running battle with the budget and the impact of recent legislative cuts. Instead of following the advice of many – to close the County Hospital and get out of the healthcare business entirely – the Board of Supervisors had appointed a ten-member Task Force to study the issue and recommend the best course of action. He said the Task Force had met for long-hours every Friday afternoon for the past ten weeks and had interviewed many members of the community to glean pertinent information. They completed their report and distributed it to the Board of Supervisors this past weekend.

The Taskforce was charged with completing four tasks.

1. Look at the Mission.
2. Look at the scope of services.
3. Look at the possible governance future.
4. Look at how it should be funded – if at all.

He explained that their overriding concern was "Do we close these facilities (the County Hospital and its 12 clinics.) or is there a viable alternative that can be found?" He continued by stating that in closing this 125-year-old institution, "you would be creating a very real and important array of problems for this community as a whole." He listed some statistics: As one of five level-one trauma centers in Maricopa County, 78,000 patients were treated in the MIHS Emergency Room and over one-half million patient visits were recorded in 2002. A baby is delivered every hour and a half, 365 days a year. MIHS routinely cares for HIV-AIDS patients, an often neglected population. It is the exclusive source of referral in the County for inmates from the judicial system who require medical and/or psychiatric care. It is highly respected nationally for its level-one burn center, the only center west of the Mississippi. The Center receives burn-patients from many other states and foreign countries, giving it a patient load that places it 5th nationally. Dr. DuVal said Task Force members soon concluded that "closing this facility would drop too heavy a load on other hospitals and on the citizens of this community." He stated that there had been no testimony of any kind from any source, including competitors, who wanted this to happen.

Next the Task Force considered possible methods to keep it operational. The first was to continue under County auspices, essentially as it is now. The Committee did not feel this would be unfeasible and Dr. DuVal explained why. Over the past decade the County lost their originally allocated portion of Disproportionate Share Funds. These are federal government funds apportioned to help reimburse those hospitals that are overburdened by an excess number of uncompensated care patients – a number that is

**FORMAL SESSION
April 2, 2003**

disproportionate to the volume of uninsured or underinsured patients treated by other hospitals in the same community. He stated, "Those Dispro Funds amount to a very substantial sum. Over the last ten years the total Disproportionate Share that should have gone to MMC (Maricopa Medical Center) would have amounted to more than \$50 million." In addition, through legislative action the County lost the funds formerly received for ALTCS (Arizona Long Term Care Services). Had these dollars been received the 30-year old hospital would be a modern, highly functional and competitive facility because the multitudes of repairs and replacements that are essential to all health care centers would have been purchased through the years as they were needed. Instead, the facility is in disrepair, patient amenities are not competitive, and only the expertise and dedication of the medical teams, staff and administration have managed to keep it's standards acceptable, even admirable.

Dr. DuVal continued by stating that the Task Force had also looked at the fact that Maricopa County has poured millions of taxpayer dollars into the healthcare system for the past several years in an effort to do everything possible to keep the hospital open. "But this cannot go on, nor should it," he said. "When considering the loss of so much revenue, it seemed the hospital could not continue to operate at such a loss or the County could be endangered."

He explained, "The single most serious problem stems from the interpretation of the Arizona statute that speaks to the issue of Expenditure Limits. Fourteen years ago this law created an Expenditure Limit that restricts a county to a strict spending ceiling. This ceiling is determined by a commission and is applicable to all fifteen counties." The limits are adjusted annually based on two factors that usually run parallel: population growth and cost of living increases. However, when MIHS is inserted into the equation this parallel course ceases and the lines crash and cross over. He said, "This is probably going to occur in Maricopa County within the next two years, possibly even this coming year." When this happens the Expenditure Limit will become a crushing blow to the County. This fact led the Task Force to conclude that, "there is no way to continue operating this facility and its 12 clinics under County auspices using the criteria that has always been used. A different system must be found."

The Task Force considered many different possibilities most of which were deemed inappropriate or not applicable for Maricopa County. It was determined that there would need to be certain requirements if the plan was to succeed. These requirements included:

- The solution must be feasible, politically acceptable and intelligently derived.
- Operation of the healthcare system must be kept totally separate from the County.
- The decision on an operational method and/or whether it should continue to operate would be put to the voters.
- A designated revenue stream must be established to accommodate the growing uncompensated care problem at MIHS (offsetting the loss of compensatory resources designed to alleviate the shortfall).
- Bonding authority availability must be in place.
- Accommodations for the concerns of private-sector competitors must be considered..

Task Force recommendations began with the provision of a separate, special hospital district. It would be overseen by a Board of Trustees or Board of Directors subject to election by a vote of the people. This Board would have bonding and taxing authority. Dr. DuVal referenced the report's Thirteen Recommendations that speak to the issue of the Mission, Scope of Services, Governance and Funding, as being important for citizens to become aware of before making their decision in the voting booth. Chairman Brock directed Clerk of the Board Fran McCarroll, to read this list so the public would know the extent of the advice given the Supervisors by the Task Force. (The text of this report will be placed on the County's web site for public perusal.)

**FORMAL SESSION
April 2, 2003**

SYNOPSIS OF TASK FORCE RECOMMENDATIONS

MISSION

1. The current mission statement is as follows: *To provide a full spectrum of high quality, wellness oriented healthcare in an organized, cost sensitive, and customer-oriented academic environment.* We see no reason to change the mission statement.
2. Promote the continued success of the MIHS core mission of providing healthcare services to the poor, uninsured and vulnerable population, without creating any legal mandate or private entitlement (a statement affirming this mission should be included in any proposed legislation).

SCOPE OF SERVICE

3. The Task Force concludes that a System closure would burden the medical community and the population at large. It is recommended the scope of services be consistent with the System's historical purposes and functions – to continue as a public teaching hospital and healthcare system principally directed to the poor.

GOVERNANCE

4. The Task Force recommends that the Supervisors seek legislation to establish a special district to receive, hold and administer the MIHS assets and operations, including MMC, the FHCs, Desert Vista and the health plans, and which would:
 - A. Provide for a public vote to authorize the district;
 - B. Provide for a public vote to elect a governing board of nine members, four at large and one each representing the five districts in Maricopa County;
 - C. Authorize the district to adopt more favorable employment and procurement policies and procedures;
 - D. Establish negotiated limitations and requirements on MIHS to further the interrelationship between MIHS and the community's non-public healthcare systems, *e.g.*, to limit the location of any new or replacement MIHS hospital for ten (10) years to within a three (3) mile radius of the current location of MMC (except that the district may acquire an existing hospital); to operate no more than one hospital without voter approval; and to prohibit the simultaneous operation of hospitals by Maricopa County and the district; and
 - E. Permit joint ventures or partnering.
5. The general consensus of the Task Force is that the hospital should remain at the present campus unless deed restrictions, financial or other considerations support an alternate location. Ultimately, that decision should be left to the elected board.
6. The Task Force strongly recommends continuing support for MIHS and its mission.

**FORMAL SESSION
April 2, 2003**

FUNDING

7. Provide for public vote to authorize a property tax levy not to exceed ten percent (10%) of the average annual expenditures of MIHS.
8. Provide for the issuance of bonds, subject to a public vote and limited to a maximum of ten percent (10%) of the secondary assessed valuation of taxable property in the district.
9. The Task Force strongly recommends efforts toward (A) increasing payment to MIHS of Disproportionate Share Hospital Program funds paid as a result of uncompensated services provided to the public by MIHS; and (B) evaluating the inequities now existing, and working with the State to ensure that federal funds continue to be paid to Arizona.
10. During any transition, it is imperative that the County continue to provide assistance, services and funding to facilitate a seamless transfer of MIHS from the County to the new district.

FINALLY

11. The Task Force recommends that ongoing negotiations with the State, including the Governor's office, be vigorously pursued seeking an accord which would facilitate transfer of the property to the County or district without the reversionary restriction which now exists. Eliminating the Deed Restriction would further support MMC remaining at its present location.
12. The Task Force recommends the adoption of legislation similar to that encompassed in Exhibit 1 to this Report. The Task Force recognizes the need for flexibility during the legislative process. The draft legislation is a starting point intended to facilitate legislation which incorporates the Task Force recommendations.
13. The Task Force recommends that an aggressive time line be followed to promote legislative authorization and voter approval of the taxing district.

Dr. DuVal indicated that the Task Force members had voted unanimously to accept all of these recommendations. He said that a question had been raised regarding the constraint on the system from building or occupying another facility outside of a three-mile radius of the current campus at 24th Street and Roosevelt. Dr. DuVal indicated that some minor concessions may have to be made on that topic.

Chairman Brock thanked all Task Force members, especially Dr. DuVal and Merwin Grant, the Chairman of the Task Force, for applying their expertise and experience in leading the Task Force in this extraordinary service to the County.

All the Supervisors expressed appreciation to the Task Force members, stating that the Board had every intention of following through on their recommendations to correct a long-term problem that has become too expensive to maintain solely on current County resources. MIHS is a problem that is fast becoming a prime example of how one part of an organization without proper funding can cripple the entire organization. In the discussion that ensued the question was raised on how the recommendation for a nine-member board was determined.

Dr. DuVal responded that various numbers had been considered from 17 down to five members. Directors would be elected every four years from the existing County Districts at the same time as the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

Supervisory elections. However, many felt that a governing board dealing with a \$700 million budget should have a broad representation of members with broad interests, as is usual in private industry. He felt that the number of directors was a detail that could easily be reworked but the Task Force had compromised on a nine-member board.

Dr. DuVal reiterated his belief that the overriding principle must be to keep the hospital open for the community. "It is a great institution and it should be permitted to continue to operate." He believes it is essential that a healthcare district should be separated from the Board of Supervisors in order to eliminate the anxiety and concern that is faced every year with respect to Expenditure Limits."

Dick White, co-chair of East Valley Interfaith Group and president of Arizona Interfaith Network, representing more than 100,000 people across the state and 20,000 across Maricopa County, spoke in favor of this report and its recommendations. He said that his group and Valley Interfaith Project, a Phoenix-based group, are broad-spectrum community organizations composed of faith-based institutions, labor unions and teacher associations. Statewide there are 150 institutions dedicated to addressing issues of local concern. He said that public healthcare is central to their members' interests, and he offered the services of members in educating the public and in lobbying state leadership on the current and future importance of adopting this change.

Tom Donovan, Valley Interfaith Project, composed of 23 institutions mainly churches, said they are organized to look at community issues, "and this one certainly has our attention." He stated that a healthy, productive workforce comes out of a community that has a citizen-oriented infrastructure in place and he believed an essential building block of this community's infrastructure is Maricopa Integrated Health System. He said he has toured the hospital and knows the services that they provide. He believes that they are serving a population of close to 100,000. He feels MIHS is essential for this community.

Paula Osterday, an organizer with Valley Interfaith Project, said she had a personal story to relate dealing with MIHS and the need "for it to stay alive." She indicated that a friend had contracted active Tuberculosis, diagnosed at both Pima County Tuberculosis Program and also MIHS. She related that he had also tried to go to a couple of private infectious disease doctors who immediately referred him to MIHS "because that's where the best treatment is available for T.B." She said that her organization is taking a very close look at the State's budget cut and the impact that would have on the County. She indicated their commitment to working with the County and Legislators to assure that this health system stays "healthy." She said they would urge the Legislature to adopt these recommendations "as is."

Supervisor Wilson thanked the speakers and agreed that the County will need their support, "as much support as we can get," to get this done.

Timothy Olsen, Maricopa County Hospital and Health Systems Board, said he was speaking as a citizen and not as a Board member. He indicated that through his years of involvement with MIHS and in observing Mark Hillard and the staff at the hospital he has been extremely impressed with the delivery of care provided and with those providing it. He said, "I believe this facility is second to none in terms of this State and in terms of providing health care. He mentioned several points of contention that he had with the proposal as presented. The first was with "the too-restrictive ten-year, three-mile radius confining future growth and expansion of the facility." He also cited the Disproportionate Share funds and questioned the proportioning of it. Finally, he felt that the question of continuing to treat illegal aliens, undocumented, uninsured and underinsured patients must be seriously reconsidered.

Chairman Brock said, "Because there are so many elements of health care delivery that are not being covered by other hospitals, this is an enormous decision that we make today. We hope to get the support

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

of the Arizona Legislature and the general public of Maricopa County for a Special Healthcare District.” He also directed that a letter he had received from Task Force member, Bil Bruno, that indicated a concern with the wording of the Mission Statement of the proposed new Hospital District as expressed in the Task Force’s report, be noted in the record.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept this report from the Task Force “in order to promote the continued success of the Maricopa Integrated Health System’s core mission of providing healthcare services to the poor, uninsured and vulnerable populations; to accept the Taskforce Recommendation and draft legislation as a starting point for discussions with the Legislature, the Governor’s Office and other interested parties; and direct staff to continue consultation with this Board in the development and approval process of any legislation.”

TEMPORARY EXTENSION OF BEREAVEMENT LEAVE

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley and unanimously carried (5-0) to authorize a temporary waiver of the Maricopa County Employee Leave Plan Section VIII (A) Bereavement Leave, to allow the appointing authority to extend Bereavement Leave up to 80 hours, for an employee whose family member, as defined in the plan under Bereavement Leave, has died while on active duty in the military during the current conflict with Iraq. (This is Addendum item #2.) (ADM3320)

PUBLIC HEARING - ANIMAL CARE & CONTROL

This is the time scheduled for a public hearing to consider implementation of a spay/neuter voucher deposit of \$100 to be collected at the time of adoption on animals at risk and unable to go through spay/neuter sterilization due to medical conditions in accordance with ARS §11-1022. (C79030410) (ADM2305)

No protests having been received and no speakers coming forth at the Chairman’s call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a deposit of \$100 be collected at the time of adoption on animals, as given above.

ROAD DECLARED (ROAD FILE NO. A078-B)

No protests having been received and no speakers coming forth at the Chairman’s call, motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C64031895)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 5th day of March, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 60 feet, together with all appurtenances and easements of record, said roadway lying within Lots One (1) and Two (2) the South half of the Northeast quarter (S½NE¼) of Section Six (6), Township Five (5) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows: The West 30 feet of Lot 1, together with, the West 30 feet of the East half of the South half of the Northeast quarter (E½S½NE¼) and the East 30 feet of Lot 2, together with, the East 30 feet of the West half of the South half of the Northeast quarter (W½S½NE¼) of said Section Six (6).

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

(Said roadway also known as 11th Avenue from Galvin Street to Cloud Road in Supervisorial District 3 and in an unincorporated area.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 2nd day of April 2003.

ROAD DECLARED (ROAD FILE NO. A272)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C64031885)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 5th day of March, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 80 feet, together with all appurtenances and easements of record, said roadway lying within the South half (S½) of Section Twenty-eight (28), Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows: The West 40 feet of Southeast quarter (SE¼) and the East 40 feet Southwest quarter (SW¼) of said Section Twenty-eight (28).

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

(Said roadway also known as 12th Street from Joy Ranch Road to Irvine Road in Supervisorial District 3.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 2nd day of April 2003.

ROAD DECLARED (ROAD FILE NO. A277)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C86031875)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 5th day of March, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 80 feet, together with all appurtenances and easements of record, said roadway lying within the Lots Five (5) and Six (6) of Section Thirty-one (31), Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows: The East 40 feet of Lot 5 and the West 40 feet of Lot 6 of said Section Thirty-one (31).

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

(Said roadway also known as 15th Avenue from Cloud Road to the Northeast corner of Lot 5 of Section 31, T.6 N., R.3 E., in Supervisor District No. 3)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 2nd day of April 2003.

CRITICAL MARKET SALARY INCREASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve critical market salary increases for seven juvenile representatives (four positions from \$9.60 to \$11.00 per hour; one position from \$9.79 to \$11.00 per hour; one position from \$9.83 to \$11.00 per hour; and one position from \$9.84 to \$11.00 per hour), retroactive to February 1, 2003, who have progressed through trainee status to independence in the Juvenile Division of the Clerk of the Court. The total cost of salaries and benefits will be absorbed in the budget - Fill the Gap Funds for FY 2003; \$1,357 and FY 2004; \$3,232 and the General Fund for FY 2003; \$7,501 and FY 2004; \$17,868. (C16030048) (ADM3321)

INCREASE TO FLEET AND EXEMPT FROM MARKINGS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an increase to the County Attorney's fleet of two vehicles, purchased with money approved in OMB's agenda item No. C49030288 for the Ring vs. Arizona caseload. Additionally, these vehicles will be

**FORMAL SESSION
April 2, 2003**

exempt from County markings and issued regular Arizona license plates, in accordance with ARS §38-538.03 and ARS §28-2511(A). (C19030440) (ADM3101V)

CRITICAL MARKET SALARY INCREASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve critical market salary increases for two Legal Support Assistant positions in the County Attorney's Office (one position from \$9.11 to \$10.02 per hour and one position from \$10.71 to \$11.78 per hour), retroactive to December 23, 2002. These increases are not budgeted, but will be paid for through realized salary savings. Approval of this item will allow the County Attorney to process approximately 1,400 post conviction releases, 2,000 case file close-outs, prepare 1,500 case files, and order 600 case files annually for each employee. The purpose of the Legal Secretary Training Tract (LSTT) program is to facilitate retention of employees while they assume increased responsibilities and enhance their opportunities for advancement within the office. (C19030458) (ADM3321)

REQUEST OF EMERALD PEAK ENTERPRISES TO COMPROMISE BACK TAXES

Supervisor Stapley stated that this item involved a request by Emerald Peak Enterprises to compromise and forgive approximately \$665.40 in property taxes on Parcel 140-40-002E. (Discussed in Executive Session on January 22, 2003.) The recommendation on the agenda was to deny the request. (C1903046M) (ADM709)

Supervisor Stapley requested that this item be taken separately as he had been in Washington D.C. when this was discussed in Executive Session and he wanted to recommend something different than what was stated on the agenda. He indicated that prior to today's meeting he had studied the issue and believes that this is the kind of situation that the statute had been intended to address. "This property owner finds himself in a difficult position over a sliver of land six feet wide – the result of a surveying error." At the request of the City of Mesa, Emerald Peak has incorporated this sliver into their development. The City of Mesa waived certain development fees on this and is asking the County to waive \$600 in property taxes so the issue can be resolved. He felt the circumstance was unusual and also compelling and asked the Board to listen to the property owner and reconsider their earlier deliberation.

Doug Weaver, representing Emerald Peak Enterprises, stated that his goal is to develop small tracts of land that have been undeveloped within the city, and build moderately priced homes on them. The parcel at issue is 6 ft. wide by 81 ft. long and lies between an existing subdivision and his proposed subdivision. The City asked them to consider purchasing that sliver along with the land for their proposed subdivision. A now bankrupt and defunct Arizona corporation originally owned it. No taxes have been paid on the parcel since 1986 and there were significant liens on it by various entities. Mr. Weaver said he had carried the request through to the foreclosure level when the delinquent tax bill at the County was uncovered. He said that in trying to comply with Mesa's request they have delayed construction on the property for over a year, spent \$40,000 in interest and costs to keep the project alive and put forth considerable effort to bring this small parcel back to a tax-paying status. He requested relief from the County's tax assessment.

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson to approve Emerald Peak Enterprises' request to forgive the back property taxes, penalty and interest totaling \$665.40 on Parcel 130-30-002E.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

During discussion, Supervisor Kunasek said he was concerned with setting a precedent in forgiveness of back taxes considering the numerous requests received to do this in the past. He said, "Since I've been on the Board we haven't forgiven any of them." He acknowledged that this was a unique circumstance that none of the Board had previously seen. Discussion ensued on how this could have happened and who could have made the error. Supervisor Kunasek asked Mr. Weaver why he wasn't willing to spend another \$600, since he's already spent \$40,000, instead of asking the Board to do something that they've never done before. Mr. Weaver responded that a year ago they "should" have just said no and developed their subdivision, which was within their rights. He has simply tried to accommodate the request of the City of Mesa.

Supervisor Wilcox asked the actual tax amount without interest, which is \$189.10. She asked if the motion could be changed as a compromise, and so the Board wouldn't set a precedent, and waive the interest so that Mr. Weaver would only owe the base amount of \$189.10.

Supervisor Stapley, "It is my opinion that we should not punish people for doing the right thing. I think that's why the statute exists. If the statute didn't exist I wouldn't have a problem [saying no]. But I think it's the principle that should apply as an effort to get government out of people's lives and not punish them for trying to do the right thing for the good of the community."

Mr. Weaver said, "I don't think that the message you want to send to small developers is that 'you have to clean up something that you didn't have anything to do with.' That's what you're asking me to do – whatever the amount – and I think that's beyond fair play."

Discussion continued on the merits of the motion on the table. Supervisor Kunasek finally asked if he could be allowed to pay the \$189.10. The response from counsel was, "Yes, anyone can pay the tax." Discussion ensued on payment of the tax.

Following discussion, a substitute motion was made by Supervisor Wilcox to waive the interest leaving only the basic tax payment of \$189.10. This motion died for lack of a second. Supervisor Kunasek called for a point of order asking if he could second the motion or if that would be a conflict of interest. Upon assurance from County Counsel that this would not be a conflict, Supervisor Wilcox reentered the motion and Supervisor Kunasek supplied the second. The motion carried by majority vote (4-1), with Supervisors Wilcox, Wilson, Kunasek and Brock voting "aye" and Supervisor Stapley voting "no."

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH TOWN OF FOUNTAIN HILLS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to the Intergovernmental Agreement between Maricopa County and the Town of Fountain Hills that results in a decrease to the number of patrol beats of .34. Per ARS §42-17106B, also approve a decrease in the FY 2002-2003 Sheriff's Office budgeted revenue and expenditures of \$47,251. This amendment also includes minor changes to contract language addressing terms for notification when cost increases or decreases result. This amendment will be effective March 1, 2003. This reduction in revenue and expenditures partially offsets the increase in revenues and expenditures noted in agenda item C5003011202, which authorized an IGA between the Town of Queen Creek and the Maricopa County Sheriff's Office. The remainder of the revenue and expenditure increase approved in agenda item C5003011202 is allowable because the overall FY 2002-2003 County budget has been reduced below the level originally set by the Board of Supervisors at the Final Budget Adoption in July 2002. (C5002095203)

**FORMAL SESSION
April 2, 2003**

CRITICAL MARKET SALARY INCREASES AND APPROPRIATION AND ADJUSTMENTS TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve critical market salary increases for Polygraph Examiner and Polygraph Examiner Supervisor positions in the Sheriff's Office, to be retroactive to November 25, 2002. These increases are not budgeted and total \$16,206. Per ARS §42-17106B, also approve appropriation adjustments and transfers, in the amounts of \$5,024 and \$11,182 from the General Government Contingency Fund and the Detention Fund Compensation Reserve to the Sheriff's Office General and Detention Funds, respectively, to cover the cost of this increase for FY 2003. The FY 2004 impact will be \$29,888 and has been included in a Results Initiative Request (RIR) with the FY 2003-2004 Sheriff's Office Budget request. (C6003055M) (ADM3321)

TEMPORARY ADDITION TO FLEET AND EXEMPT FROM MARKINGS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a temporary addition to the Sheriff's Office fleet of one RICO forfeited minivan. The vehicle will be exempt from governmental markings, including non-governmental license plates, pursuant to ARS §38-538.03. This vehicle has been forfeited through the County Attorney and is Sheriff's Office property. RICO funds will support its operation, maintenance, and fuel costs. No vehicle replacement cost is associated with this vehicle since it is a temporary addition to the County fleet and will automatically be removed from MCSO fleet when its useful life has expired. Vehicle information will be provided to the Office of the Clerk of the Board. (C5003064M) (ADM3101V)

CONVERTING VEHICLE REGISTRATIONS FROM "G" PLATES TO "OWNER PLEASURE PLATES" EXEMPT FROM MARKINGS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve converting vehicle registrations for 19 Sheriff's Office assigned vehicles from "G" plates to "owner pleasure plates," exempt from markings per ARS §38-538.03. These vehicles are currently marked vehicles in the Sheriff's Office fleet and are to be considered separate and apart from the "up to 50 deep undercover RICO vehicles." The Sheriff's Office fleet includes a number of vehicles used in routine daily operations and in special investigations throughout Maricopa County. For Sheriff's Office mission, strategic program success, and personal safety factors, the Board is asked to approve exemptions for 19 of these vehicles from markings. A current list of these vehicles will be provided to the Office of the Clerk of the Board. (C5003065M) (ADM3101V)

TRANSFER OF BUDGET APPROPRIATIONS

In accordance with ARS §42-17106, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of budget appropriations in the amount of \$847,900 from General Government, Detention Fund Contingency (255-472-4711-812) and in the amount of \$152,100 from General Government Detention Fund Compensation Reserve, (255-472-4711-790) to Health Care Mandates Correctional Health Claims budget (255-392-3975-0811) to cover an unanticipated increase in Correctional Health claims. In addition, authorize an additional appropriation adjustment reserve of not-to-exceed \$750,000 in the Detention Fund Compensation Reserve (255-472-4711-790) in case of additional unanticipated claim expenses in Health Care Mandates Correctional Health Claims. (C39030108) (ADM2104)

PERSONNEL AGENDA

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

REWARDING IDEAS EMPLOYEE AWARDS

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize employee awards from the Rewarding Ideas Program in the amount of \$7,500 and present awards on April 16, 2003. (C31030077) (ADM3333-002)

REVISED CASH COLLECTION BASELINE IN "REGISTRATION, FINANCIAL COUNSELING & ELIGIBILITY FY 2003 GAINSHARING PROGRAM"

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the revised cash collection baseline in the "Registration, Financial Counseling & Eligibility FY 2003 Gainsharing Program." The Board of Supervisors approved this program on September 4, 2002, (Agenda No. C35020056). This program was developed in accordance with the Employee Gainsharing Program Policy (HR2419). The baselines for each area are listed below: (C3502005601) (ADM3345)

- Maricopa Medical Center/Comprehensive Health Care Center/Desert Vista – Baseline increased from \$175,000 to \$309,000
- Family Health Centers – Baseline remains the same, \$175,000, as originally submitted on September 4, 2002

SECTION 125 CAFETERIA PLAN AMENDMENT

As required by the implementation of the Health Insurance Portability Accountability Act (HIPAA) and in accordance to the Internal Revenue Code (IRC) Section 125 Cafeteria Plan, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt a resolution authorizing the Fourth Amendment to the Maricopa County 1984 Cafeteria Plan by adding Article VIII regarding Protected Health Information (PHI). This amendment shall be effective April 14, 2003. (C35030187) (ADM3351)

FOURTH AMENDMENT TO THE MARICOPA COUNTY CAFETERIA PLAN

WHEREAS, the Board of Supervisors of Maricopa County, Arizona (the "County"), adopted The Maricopa County Cafeteria Plan effective as of January 1, 1985 (the "Plan"), to provide certain cafeteria plan benefits to its employees; and

WHEREAS, the County is authorized, pursuant to Section 7.1 of the Plan, to adopt amendments to the Plan; and

WHEREAS, the County has determined that such amendments are required to assure the Plan's successful operation and administration;

NOW, THEREFORE, pursuant to the authority granted in Section 7.1 of the Plan, the Plan is hereby amended, effective April 14, 2003, by adding a new Article VIII to the Plan to read as follows:

**ARTICLE VIII
PRIVACY ACT AMENDMENT**

8.1 Use and Disclosure of Protected Health Information.

(a) The Plan will use protected health information ("PHI") to the extent of and in accordance with the uses and disclosures permitted by the Privacy provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Specifically, the Plan will use and disclose PHI for purposes related to health care treatment, payment for health care and health care operations and as otherwise permitted or required by law. The provisions of this Article VIII shall apply to all Benefit Plans maintained under this Cafeteria Plan to the extent such Benefit Plans are subject to the Privacy provisions contained in HIPAA.

(b) The term "payment" includes activities undertaken by the Plan to obtain premiums or determine or fulfill its responsibility for coverage and provision of Plan benefits that relate to an individual to whom health care is provided. These activities include, but are not limited to, the following:

- (i) determination of eligibility, coverage and cost sharing amounts (for example, cost of a benefit, Plan maximums and co-payments as determined for an individual's claim);
- (ii) coordination of benefits;
- (iii) adjudication of health benefit claims (including appeals and other payment disputes);
- (iv) subrogation of health benefit claims;
- (v) establishing employee contributions;
- (vi) risk adjusting amounts due based on enrollee health status and demographic characteristics;
- (vii) billing, collection activities and related health care data processing;
- (viii) claims management and related health care data processing, including auditing payments, investigating and resolving payment disputes and responding to participant inquiries about payments;
- (ix) obtaining payment under a contract for reinsurance (including stop-loss and excess of loss insurance);
- (x) medical necessity reviews or reviews of appropriateness of care or justification of charges;
- (xi) utilization review, including precertification, preauthorization, concurrent review and retrospective review;
- (xii) disclosure to consumer reporting agencies related to the collection of premiums or reimbursement; provided that the following PHI may be disclosed for payment purposes: name and address, date of birth, Social Security number, payment history, account number and name and address of the provider and/or health Plan; and
- (xiii) reimbursement to the Plan.

(b) The term "health care operations" include, but are not limited to, the following activities:

- (i) quality assessment;
- (ii) population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, disease management, contacting health care providers and patients with information about treatment alternatives and related functions;
- (iii) rating provider and Plan performance, including accreditation, certification, licensing or credentialing activities;
- (iv) underwriting, premium rating and other activities relating to the creation, renewal or replacement of a contract of health insurance or health benefits, and ceding, securing or placing a contract for reinsurance of risk relating to health care claims (including stop-loss insurance and excess of loss insurance);

**FORMAL SESSION
April 2, 2003**

- (v) conducting or arranging for medical review, legal services and auditing functions, including fraud and abuse detection and compliance programs;
- (vi) business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the Plan, including formulary development and administration, development or improvement of payment methods or coverage policies;
- (vii) business management and general administrative activities of the plan, including, but not limited to:
 - (1) management activities relating to the implementation of and compliance with HIPAA's administrative simplification requirements, or
 - (2) customer service, including the provision of data analyses for policyholders or other customers;
 - (viii) resolution of internal grievances; and
 - (ix) due diligence in connection with the sale or transfer of assets to a potential successor in interest, if the potential successor in interest is a "covered entity" under HIPAA or, following completion of the sale or transfer, will become a covered entity.

8.2 The Plan Will Use and Disclose PHI as Required by Law and as Permitted by Authorization of the Participant or Beneficiary. With an authorization, the Plan will disclose PHI to the County's other medical, disability and workers' compensation plans for purposes related to administration of these plans, as well as to others as permitted by the authorization.

8.3 Disclosures to the County as Plan Sponsor. The Plan will disclose or allow disclosure of PHI to the County as plan sponsor of the Plan (the "Plan Sponsor"), upon receipt of a certification by the Plan Sponsor that the plan documents have been amended to incorporate the following provisions, and provided that the Plan Sponsor agrees to:

- (a) not use or further disclose PHI other than as permitted or required by the Plan document or as required by law;
- (b) ensure that any agents, including a subcontractor, to whom the Plan Sponsor provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Plan Sponsor with respect to such PHI;
- (c) not use or disclose PHI for employment-related actions and decisions unless authorized by an individual;
- (d) not use or disclose PHI in connection with any other benefit or employee benefit plan of the County unless authorized by an individual;
- (e) report to the Plan any PHI use or disclosure that is inconsistent with the uses or disclosures provided for of which it becomes aware;
- (f) make PHI available to an individual in accordance with HIPAA's access requirements;
- (g) make PHI available for amendment and incorporate any amendments to PHI in accordance with HIPAA;
- (h) make available the information required to provide an accounting of disclosures;
- (i) make internal practices, books and records relating to the use and disclosure of PHI received from Plan available to the Secretary of Health and Human Services for the purposes of determining the Plan's compliance with HIPAA; and
- (j) if feasible, return or destroy all PHI received from the Plan that the Plan Sponsor still maintains in any form, and retain no copies of such PHI when no longer needed for the purpose for which disclosure was made (or if return or destruction is not feasible, limited further uses and disclosures to those purposes that make the return or destruction infeasible).

**FORMAL SESSION
April 2, 2003**

8.4 Adequate Separation Between the Plan and the Plan Sponsor Must Be Maintained. In accordance with HIPAA, only the following employees or classes of employees of the Plan Sponsor may be given access to PHI:

- (a) the Employee Health Initiatives Manager; and
- (b) staff of the Plan Sponsor designated by the Employee Health Initiatives Manager, who, as of the date of this Amendment, are the Benefit Administrator, the Benefit Coordinator, the Fiscal Consultant, and the Management Analyst.

8.5 Limitations of PHI Access and Disclosure. The persons described in section 8.4 may only have access to and use and disclose PHI for Plan administration functions, which include payment for health care and health care operations, that the Plan Sponsor performs for the Plan.

8.6 Noncompliance Issues. If the persons described in section 8.4 do not comply with this Plan document, the Plan Sponsor shall provide a mechanism for resolving issues of noncompliance, including disciplinary sanctions.

DATED this 2nd day of April 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

IMPLEMENTATION OF HEALTH INSURANCE PORTABILITY ACCOUNTABILITY ACT (HIPAA)

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to, as required by the implementation of the Health Insurance Portability Accountability Act (HIPAA) effective April 14, 2003, adopt a Resolution regarding the Certification to Group Health Plan, HMO or Health Insurance Issuer. This Certification will be distributed to all vendors who are defined under Arizona Revised Statutes Title 20. Maricopa County's employee group health plan ("Plan") is subject to the federal HIPAA privacy standards, which govern the use and disclosure of confidential health information. One of the privacy standards requires Maricopa County, in its role as plan sponsor, to amend its plan document to restrict the uses and disclosures of confidential health information consistent with the HIPAA privacy standards. This amendment is the subject of a separate agenda item. Once the plan document is so amended, the Plan's vendors, which are health insurance issuers and HMOs, such as CIGNA HealthCare, will be allowed by regulation to disclose information to Maricopa County for plan administration purposes only upon receipt of a certification prescribed by HIPAA. Without the plan amendment and certification, HIPAA privacy standards forbid such disclosure. The compliance date for HIPAA privacy standards is April 14, 2003. In the plan amendment and certification, Maricopa County agrees to: (C35030206) (ADM3351)

- follow the law in using and disclosing health information;
- ensure that agents also adhere to the law in using and disclosing health information;
- not use or disclose health information for employment-related actions, unless specifically authorized by the individual; and
- abide by other similar requirements contained in the privacy standards.

CERTIFICATION TO GROUP HEALTH PLAN, HMO OR HEALTH INSURANCE ISSUER

WHEREAS, Maricopa County is the sponsor of an employee welfare benefit plan for its employees and their dependents; and

WHEREAS, Plan Sponsor's employee welfare benefit plan is a "group health plan" within the meaning of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

**FORMAL SESSION
April 2, 2003**

WHEREAS, vendors who are Health Maintenance Organizations or Health Insurance Issuers ("Health Plan"), and Maricopa County as the Group Health Plan provides health insurance coverage to the participants and beneficiaries in the Plan Sponsor's group health plan: and

WHEREAS, Health Plan and Plan Sponsor desire to exchange health information protected under HIPAA ("protected health information or PHI") for purposes related to administration of the group health plan;

THEREFORE BE IT RESOLVED, that Plan Sponsor hereby certifies to Health Plan the following, as required by Section 45 CFR 164.504(f) of HIPAA:

The plan documents that govern Plan Sponsor's group health plan have been amended to incorporate the following provisions and Plan Sponsor agrees to:

- not use or further disclose PHI other than as permitted or required by the plan documents or as required by law;
- ensure that any agents, including subcontractors, to whom it provides PHI received from Health Plan agree to the same restrictions and conditions that apply to Plan Sponsor with respect to such information;
- not use or disclose PHI for employment-related actions and decisions;
- not use or disclose PHI in connection with any other benefit or employee benefit plan of Plan Sponsor;
- report to Health Plan's designee any PHI use or disclosure that it becomes aware of which is inconsistent with the uses or disclosures provided for;
- make PHI available to an individual based on HIPAA's access requirements;
- make PHI available for amendment and incorporate any PHI amendments based on HIPAA's amendment requirements;
- make available the information required to provide an accounting of disclosures;
- make its internal practices, books and records relating to the use and disclosure of PHI received from the Health Plan available to the Secretary of the U.S. Department of Health and Human Services to determine the health plan's compliance with HIPAA;
- ensure that adequate separation between the group health plan and the plan sponsor is established as required by HIPAA (45 CFR 164.504(f)(2)(iii)); and
- if feasible, return or destroy any PHI received from the Health Plan that Plan Sponsor still maintains in any form and retain no copies of such PHI when no longer needed for the specified disclosure purpose. If return or destruction is not feasible, Plan Sponsor will limit further uses and disclosures to those purposes that make the return or destruction infeasible.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

- IN WITNESS WHEREOF, the County has caused this Certification to be signed by its duly authorized representative (Plan Sponsor).

DATED this 2nd day of April 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

GAINSHARING PROGRAM FOR INTERNAL AUDIT

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the "Gainsharing Program" for Internal Audit per the Employee Gainsharing Programs Policy (HR2419). This program is a results-oriented compensation tool to facilitate the achievement of specific targets such as completing annual audit plan, identifying cost savings and revenue enhancements, and providing the Board of Supervisors and County management with information and recommendations. Measurements are derived from the department's MFR Strategic and Annual Plan. (C35030196) (ADM2600) (ADM3345-002)

~ Supervisor Stapley left the meeting ~

EXTENSION TO CONTRACT WITH WORK GROUPS BY DESIGN

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a one-year extension to the consultant contract for professional consulting services with Work Groups by Design not-to-exceed \$13,500 for preparation of the Urban County Consolidated Annual Performance and Evaluation Report (CAPER) and the Maricopa HOME Consortium CAPER for FY 2002-2003. (C1702061101)

FUND TRANSFERS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials:

03007-S	DATA PROCESSING, COMPUTER SOFTWARE SERVICES (\$3,000,000 est./ two (2) years w/ three (3) one-year renewal options) Pricing Agreement for temporary IT services for the Integrated Criminal Justice Information System.
----------------	---

- Ablest Technology Services
- Advantage Professionals of Phoenix LLC
- AES Technologies
- Alliance Consulting Group
- ALPHA Dog Consulting
- Analysts International Corporation
- APEX Software Inc.
- Bluecrane Inc.
- BULL HN Information Systems
- C3B Group, Inc.
- Capitol Systems Corporation
- CCI Networks Inc.
- CGI Information Systems & Management Consultants Inc.
- Clarity Technology & Financial Services
- Cierra Consulting Company
- COMPYS Information Technology Services, Inc.
- Consultants in Data Processing
- Cronus Consulting LLC
- Cyberbest Technology Inc.
- Data Site Consortium Inc.
- Ecorridor Inc.
- Enterprise Technology Services
- Eumotif Inc.
- Future Trends Technology Management LLC
- Gartner Inc.
- Globalsoft Consulting Inc.
- Global Consultants Inc.
- H L Yoh Company LLC
- ICC International Computer Consultants Inc.
- Information & Communication Systems
- Infosol Inc.
- Inthink Corporation
- IKON Office Solutions, Inc.
- IT Workgroup Inc.
- Jefferson Wells International Inc.
- Johnson Staffing Inc.
- Keane Inc.
- Kelly Services
- Lucid Solutions, Inc.
- Maximus Inc.
- Meridian Technology Group Inc.
- Northwest Valley Consultants Inc.
- OAO Technology Solutions, Inc.
- OSI Consulting Inc.
- PMA Network Services LLC
- Pragmatica LLC
- Productive Data System

**FORMAL SESSION
April 2, 2003**

- Proptions
- Q A Technologies Inc.
- Quality Technical Services, Inc.
- Quovadx INC
- Reliance Management Consulting Inc.
- Resource Management International Inc.
- The Resource Connection Inc.
- Seeksci Technologies LLC
- Sentinel Technologies Inc.
- Sigman Systems Inc.
- Softtech Inc.
- Staff Tech Inc.
- Synergy Technology Solutions
- Systems Technology Group Inc.
- Technisource Inc.
- Techobject Corporation
- Tech One Staffing
- Techwise Solutions LLC
- Torus Business Group LLC
- Unity Software Systems
- Wizard Business Systems Inc.

Contract Extensions:

The extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until May 31, 2005

00024-SC LEASE FINANCING IV (\$20,000,000 est./(2) two years)

Pricing agreement to provide a list of pre-approved contractors to provide lease financing as required to meet county needs.

- Bank of America Public & Institutional Financial Funding LLC
- Banc One Leasing Corporation
- Kansas State Bank of Manhattan Inc.
- Norwest Investment Services Inc/Wells Fargo Public Finance
- Key Municipal Finance (Added April 2, 2003)

Intergovernmental Cooperative Purchasing Agreement

The execution of an Intergovernmental Cooperative Purchasing Agreement with Apache County (Arizona). (C73030152)

AGREEMENT WITH THE ARIZONA HUMANE SOCIETY

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an agreement between The Arizona Humane Society (AHS), an Arizona nonprofit corporation,

**FORMAL SESSION
April 2, 2003**

1521 West Dobbins Road, Phoenix, and Maricopa County to allow AHS to rescue animals eligible for the New Hope Program. The term of the agreement is from April 2, 2003, through December 31, 2003. (C79030471)

RENEWAL OF LEASE WITH BOYS AND GIRLS CLUB OF THE EAST VALLEY, INC.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute the renewal option for Lease No. L7200 with the Boys and Girls Club of the East Valley, Inc., Lessor, for the continued use of a 1,000 square foot Head Start classroom at 221 West 6th Avenue, Mesa. This option will extend the term of the existing lease through June 30, 2004. The annual rental cost will remain at the current rate of \$4,800. This lease contains a 90-day cancellation clause and does not include any County general funds. (C2203025401)

NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a non-financial Intergovernmental Agreement (IGA) between Arizona Department of Juvenile Corrections on behalf of Adobe Mountain and Maricopa County Human Services Department Early Head Start program regarding roles and responsibilities related to the Adobe Mountain facility and the home base program planned for select male youth. The Maricopa County Early Head Start program will provide comprehensive services with the focus on the eligible male fathers as a primary factor in the child's development. These eligible males are parenting teens under the jurisdiction of the Adobe Mountain facility. The Adobe Mountain facility will provide a forum for socialization and security services for the enrolled children and custodial caregivers, participating fathers and Early Head Start staff. If any aspect of this non-financial agreement would be allowable as nonfederal match requirement, appropriate inkind allocations will be made (Reference 45 CFR PART 92.24 Match or cost sharing). The term of this agreement is retroactive to March 7, 2003, through June 30, 2003. Either party may terminate this agreement with 30-days written notice. (C22031120)

CORRECTION TO RENT SCHEDULE FOR LEASE WITH GOOD SAM PROFESSIONAL BUILDING LLC

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve correction to rent schedule previously approved on March 5, 2003, for full service lease No. L7332, with Good Sam Professional Building L.L.C., an Arizona limited liability company, by Presson Corporation, an Arizona Corporation, as Lessor. The leased premises consist of 7,162 square feet of office space located at 1010 East McDowell Road, Suite 300 to house the Public Health Department's Bio-Defense Preparedness and Response (BDPR) Program. The 5-year lease term commences June 1, 2003, or the date of possession, and expires 60-months from the commencement date. The first year annual rent is \$124,690.42, plus rental tax (\$17.41 per square foot per year). Rent for subsequent lease years will increase by 5.5% annually, as follows:

- Year 2: \$130,921.36 (\$18.28 per square foot per year) plus rental tax,
- Year 3: \$137,438.78 (\$19.19 per square foot per year) plus rental tax;
- Year 4: \$123,902.60 (\$17.28 per square foot per year) plus rental tax;
- Year 5: \$130,133.54 (\$18.17 per square foot per year) plus rental tax.

This lease requires a one-time payment of \$69,594.50 for tenant improvements. The balance is amortized over the first 36-months. This lease is grant funded and contains a 120-day termination clause requiring

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

reimbursement to Lessor for unamortized tenant improvement costs in the event of early termination during the first 36-months. Tenant improvement costs for the last 24-months are pre-paid to avoid potential impact on the general fund in the event of early termination by Maricopa County. (C8603120401)

NON-FINANCIAL AGREEMENT WITH PINAL COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and sign a non-financial agreement with the Pinal County Department of Health and Human Services to provide nutritional experience for graduate students in the Maricopa County Department of Public Health's Dietetic Internship Program. The agreement term is retroactive from February 26, 2003, through June 30, 2005. (C86031220)

DONATION

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept a donation of \$5,000 from Bashas', Inc. for use in the Maricopa County Department of Public Health's (MCDPH) Office of Nutrition Services. Also, approve a corresponding \$5,000 adjustment to the Department of Public Health's FY 2003 revenue and expenditure budget. (C8603142M) (ADM2150)

CORRECTION REGARDING CONTRACT WITH PHOENIX SHANTI GROUP, INC.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the correction to Board action taken on March 5, 2003, regarding Contract No. C86037071 with the Phoenix Shanti Group, Inc., for the provision of HIV case management services. The original agenda incorrectly identified the contract amount as not-to-exceed \$1,650. Total funding for this contract, as enumerated on the budget page, is \$16,500. (C8603707101)

TRANSFER FROM GENERAL FUND APPROPRIATED FUND BALANCE RESERVED ITEMS TECHNOLOGY PROJECTS

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to determine that such transfer is in the public's interest and based upon a demonstrated need, approve transferring \$302,205 from General Fund Appropriated Fund Balance Reserved Items Technology Projects - to a new line item in General Fund Appropriated Fund Balance Technology Projects: Forensic Science Center Telecommunications, to fund the expenditure of telephone and data cabling and equipment for the Forensic Science Building. (C76030128) (ADM5300)

~ Supervisor Stapley returned to the meeting ~

AGREEMENT WITH ARIZONA OPPORTUNITIES INDUSTRIALIZATION CENTER - CONTINUED

Item: Approve and sign an agreement between Maricopa County Equipment Services and Arizona Opportunities Industrialization Center. This agreement allows Maricopa County to maintain and repair Arizona OIC's vehicles and equipment and to sell fuel from the County Fueling Stations to this agency. (This item requires unanimous, roll call vote of the board.) (C74030061)

The Clerk announced that this item would be continued to the April 16, 2003, meeting.

**FORMAL SESSION
April 2, 2003**

AMENDMENTS TO FY 2002-2003 FIVE-YEAR MAJOR MAINTENANCE PLAN AND CALL FOR BIDS AND AWARD – RENOVATION OF ESTRELLA SUPPORT BUILDING

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following amendments to the FY 2002-2003 Five-Year Major Maintenance Plan: (C70030435) (ADM800)

- a) create a new project titled "Estrella Support Building Infrastructure Improvements", Project No. 2002320276 in Year 1 of the plan (255-482-4832) in the amount of \$500,000;
- b) approve the reallocation of \$500,000 from Project No. 2002301595–Madison Street Jail Infrastructure Improvements to Project No. 2002320276-Estrella Support Building Infrastructure Improvements, from FY 2002-2003 Major Maintenance Budget, Fund 255, Agency 482, Org. 4832, Object Code 0915.02;
- c) adopt plans and specifications, authorize a call for bids and award a construction contract to the lowest responsive responsible bidder provided that the bid is not more than 10% over the architect's estimate for the "Renovation of Estrella Support Building," Project No. 2002320276, Building No. 1412, located at 1412 West Durango Street, Phoenix. This project is funded by FY 2002-2003 Major Maintenance Budget, Fund 255, Agency 482, Org. 4832, Object Code 0915-02 and FY 2003-2004 Major Maintenance Fund 255, Agency 472, Org. 4732, Object Code 0915.02.

REALLOCATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the reallocation of \$60,000 from Project No. 2002301410 - Durango Juvenile Probation Building Infrastructure Improvements and the reallocation of \$40,000 from Project No. 2002301962 – West Court Building Infrastructure Improvements to Project No. 2000136325 - Security Center Building Infrastructure Improvements. Reallocation of funds is from FY 2002-2003 Major Maintenance Budget, Fund 100, Agency 470, Org. 4732, Object Code 0825.02. (C70030448) (ADM800)

CALL FOR BIDS AND AWARD – VARIOUS PROJECTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt plans and specifications, authorize call for bids and award construction contracts to the lowest responsive responsible bidders provided that the bids are not more than 10% over the architect's estimate for the following projects:

- a) East Courts Building (ECB) Plaza Level Renovation, Building 3303, located at 101 West Washington Street, Phoenix, Major Maintenance Project (No. 2001202039 and No. 2001202121) x. The project is funded in the FY 2002-2003 Major Maintenance Program Budget Fund 100, Agency 470, Org. 4732, Object Code 0825.02, Function Code 2121; FY 2002-2003 Major Maintenance Program Budget Fund 100, Agency 480, Org. 4832, Object Code 0825.02, Function Code 2039; and FY Major Maintenance Budget Fund 100, Agency 470, Org. 4732, Object Code 0825.02, Function Code 2039. (C70030455)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

- b) Durango Juvenile Probation Renovation and Addition Project No. 2001224724, Building No. 1704, located at 3125 West Durango Street, Phoenix. This project is funded in the FY 2002-2003 and FY 2003-2004 Major Maintenance Program Budgets, Fund 100, Agency 480, Org. 4832, Object Code 0915.02, Function Code 4724 and FY 2003-2004 Major Maintenance Fund 255, Agency 482, Org. 4832, Object Code 0915.02, Function Code 4724. (C70030465)
- c) Replace Air Wash Units – Estrella Jail, Building 1403, Project No. 2002301619, located at 2939 West Durango Street, Phoenix. This project is funded in the FY 2002-2003 Major Maintenance Program budget, Fund 255, Agency 472, Org. 4732, Object Code 0825.02; and FY 2003-2004 Major Maintenance Program budget, Fund 255, Agency 472, Org. 4732, Object Code 0825.02. (C70030475)

AMENDMENTS TO FY 2002-2003 FIVE-YEAR MAJOR MAINTENANCE PLAN AND CALL FOR BIDS AND AWARD – RE-ROOFING ADMINISTRATION SECTION – SOUTHEAST REGIONAL JUVENILE COURT BUILDING

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following amendment to the FY 2002-2003 Five-Year Major Maintenance Plan: (C70030485) (ADM800)

- a) Create a new project titled "Southeast Regional Juvenile Court Building: Project No. 2002301575 in Year 1 of the plan (100-480-4832) in the amount of \$220,000;
- b) Approve the reallocation of \$220,000 from Project No. 2001224724 Durango Juvenile Probation Building Infrastructure Improvements to Project No. 2002301575 Southeast Regional Juvenile Court Building No. 2856. Reallocation of funds is from FY 2002-2003 Major Maintenance Fund 100, Agency 480, Organization 4832, Object Code 0915.02.
- c) Adopt plans and specifications, authorize a call for bids and award a construction contract to the lowest responsive responsible bidder provided that the bid is not more than 10% over the architect's estimate for Re-Roofing Administration Section - Southeast Regional Juvenile Court Building No. 2856, Project No. 2202301575, located at 1810 South Lewis Street, Mesa.

AMENDMENTS TO FY 2002-2003 FIVE-YEAR MAJOR MAINTENANCE PLAN AND CALL FOR BIDS AND AWARD – REPLACE BLUEPOINT FACILITIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following amendments to the FY 2002-2003 Five-Year Major Maintenance Plan: (C70030495) (ADM800)

- a) create a new project titled: "Replace Bluepoint Facilities", Project No. 2002320197 in Year 1 of the plan (100-480-4832) in the amount of \$240,000.
- b) approve the reallocation of \$240,000 from "Durango Juvenile Probation Building Infrastructure Improvements" (Projects No. 2001224724 and Project No. 2001226781) to "Replace Bluepoint Facilities" reallocation of funds is from FY

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

2002-2003 Major Maintenance Budget, Fund 100, Agency 480, Org. 4832, Object Code 0915.02.

- c) adopt the plans and specifications, authorize a call for bids and award a construction contract to the lowest responsive responsible bidder provided that the bid is not more than 10% over the architect's estimate for "Replace Bluepoint Facilities", Project No. 2002320197, located in Eastern Maricopa County near the Bush Highway and Usery Pass Road. This project is funded by FY 2002-2003 Major Maintenance Fund 100, Agency 480, Org. 4832, Object Code 0915.01; and FY 2003-2004 Major Maintenance Fund 100, Agency 480, Org. 4832, Object Code 0915.02.

EASEMENTS AND RIGHT-OF-WAY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A095.024 Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Easement and
(AC) Agreement for Highway Purposes – Parcel No. 200-08-213, 214A - Charles L. Segersten and Tina L. Segersten - for the sum of \$3,663.00.

A095.024 Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Purchase Agreement
(AC) and Escrow Instructions – Parcel No. 200-08-213, 214A - Charles L. Segersten and Tina L. Segersten.

A129.001-4 Project No: 68967 - Barlett Lake Dam Road (Cave Creek Road to Horseshoe Dam) -
(LJS) Slope Easement - Parcel No. 219-13-007H & 008 - Wildcat Hills, L.L.C., an Arizona limited liability company - for the sum of \$8,310.00.

A165.010 Project No: 69010 - Bullard Avenue (EOP - EOM) – Easement and Agreement for
(AC) Highway Purposes - Parcel No. 503-52-146 & 503-52-100 - Lake Bonita Limited Partnership, an Arizona Limited Partnership - for the sum of \$35,000.00.

A165.010 Project No: 69010 - Bullard Avenue (EOP - EOM) – Purchase Agreement and Escrow
(AC) Instructions - Parcel No. 503-52-146 & 503-52-100 - Lake Bonita Limited Partnership, an Arizona Limited Partnership.

A211.005 Project No: 69010 - Hyder Road - Maricopa County Line (to 555th Avenue) - Easement
(EGA) And Agreement For Highway Purposes - Parcel No. 401-85-025 & 026 - Bell Enterprises, an Arizona Partnership - for the sum of \$2,113.00.

A211.005 Project No: 69010 - Hyder Road - Maricopa County Line (to 555th Avenue) - Purchase
(EGA) Agreement and Escrow Instructions - Parcel No. 401-85-025 & 026 - Bell Enterprises, an Arizona Partnership.

A225.005 Project No: 69010 - Elmont Drive (4th Avenue - Apache Blvd.) - Easement and
(AC) Agreement for Highway Purposes – Parcel No. 220-66-038 - Corwin Roger Brundrett, Sr. and D. Elouise Brundrett - for the sum of \$10,386.00.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

A225.005 (AC)	Project No: 69010 - Elmont Drive (4th Avenue - Apache Blvd.) - Purchase Agreement and Escrow Instructions - Parcel No. 220-66-038 - Corwin Roger Brundrett, Sr. and D. Elouise Brundrett.
A267.023 (LJS)	Project No: 68949 – McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-33-010A - Helen L. Pace, as Trustee - for the sum of \$36,488.00.
A267.023-1 (LJS)	Project No: 68949 – McQueen Road (Queen Creek Road to Pecos Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 303-33-010A - Helen L. Pace, as Trustee - for the sum of \$2,931.00.
A267.023-1-A (LJS)	Project No: 68949 – McQueen Road (Queen Creek Road to Pecos Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 303-33-010A - Helen L. Pace, as Trustee - for the sum of \$4,443.00.
A267.023 (LJS)	Project No: 68949 – McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-33-010A - Helen L. Pace, as Trustee.
DD-9410 (TS)	R/W Dedication - Easement and Agreement for Highway Purposes - Parcel No. 502-37-064H - Mark I. Milhon - for the sum of \$10.00.
DD-9410 (TS)	R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 502-37-064H - Mark I. Milhon.
DD-9418 (GMS)	R/W Dedication - Warranty Deed - Parcel No. 211-42-026C & 211-42-971 - Bellisima Ranch, L.L.C. - for the sum of \$10.00.
X-501 (AC)	Project No: 68927 - Ellsworth Road (Germann Road – Guadalupe Road) - Agreement for Right of Entry - Parcel No. 304-62-010K, 010H, 010J & 010G – Harris Cattle Co., an Arizona Corporation - for the sum of \$500.00.
X-501 (AC)	Project No: 68927 - Ellsworth Road (Germann Road – Guadalupe Road) - Warranty Deed - Parcel No. 304-62-010K, 010H, 010J, & 010G - Harris Cattle Co., an Arizona Corporation - for the sum of \$23,086.00.
X-501-1 (AC)	Project No: 68927 - Ellsworth Road (Germann Road – Guadalupe Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 304-62-010K - Harris Cattle Co., an Arizona Corporation - for the sum of \$100.00.
X-501 & X-501-1 (AC)	Project No: 68927 - Ellsworth Road (Germann Road – Guadalupe Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-62-010K, 010H, 010J, & 010G - Harris Cattle Co., an Arizona Corporation.
X-504 (AC)	Project No: 68927 - Ellsworth Road (Germann Road – Guadalupe Road) - Warranty Deed - Parcel No. 304-62-003C, 003D, & 003E - Harris Cattle Co., an Arizona Corporation - for the sum of \$33,775.00.
X-504	Project No: 68927 - Ellsworth Road (Germann Road – Guadalupe Road) - Purchase

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

(AC) Agreement and Escrow Instructions - Parcel No. 304-62-003C, 003D, & 003E - Harris Cattle Co., an Arizona Corporation.

SALE OF PROPERTY

Motion was made by Supervisor Stapley and seconded by Supervisor Kunasek, and unanimously carried on a roll call vote (5-0) with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye" to approve the sale of Maricopa County Department of Transportation property known as a portion of Tax Parcel Number 304-55-008B to the Arizona Department of Transportation (ADOT). The property acquisition is needed by the state in order to proceed with the construction of the San Tan Freeway. Total sale price for the property is \$31,650. (This item requires unanimous, roll call vote of the board.) (C64032061) (ADM2005)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF SURPRISE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Surprise for the development of a Candidate Assessment Report (CAR) for Rose Garden Lane from 109th Avenue to El Mirage Road; McDOT Project NCAR (McDOT No. 68884). The estimated cost for the CAR is \$60,000, with the City of Surprise contributing \$30,000. (C64032072)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

AMENDMENT TO CONTRACT WITH FSL PATHWAYS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 8, to contract with FSL Pathways, for the provision of intermediate behavioral health group home services, effective upon Board of Supervisors' approval. This amendment is a request for a retroactive increase of \$2,020,000 to the not-to-exceed amount, increasing the not-to-exceed amount from \$6,705,400 to \$8,725,400. The aggregate term remains the same, September 2, 1998, through August 31, 2003. This contract has a 90-day termination for convenience provision. (C6099057108)

FOURTH AMENDMENT TO LEASE WITH FOUNDATION FOR SENIOR LIVING, dba FSAL PROGRAMS INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Fourth Amendment of the NNN Lease No. MC-10132, with Foundation for Senior Living, dba, FSAL Programs, Inc., Lessee, for seven single family homes at 3501, 3509, 3517, 3521, 3527, 3537, 3543 West Vogel, Phoenix, Arizona (Senior Village). This amendment will extend the lease term two years from April 1, 2003, through March 31, 2005. The term of the lease coincides with a Management Agreement with the County and FASL for the operation of the Senior Village. The annual rent paid by Lessee is One Dollar (\$1.00). (C6000014103)

CONTRACT WITH SPRINGBROOK BEHAVIORAL HEALTH HOMES, INC.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a new contract with Springbrook Behavioral Health Homes, Inc. for Intermediate Level Behavioral Health Group Home Services, for the period upon Board of Supervisors' approval through November 30, 2005, for an amount not-to-exceed \$688,000. This contract has a 90-days termination for convenience provision. (C60030891)

CALL FOR BIDS AND AWARD – IMPROVEMENTS NECESSARY FOR THE RENOVATION OF THE PSYCHIATRIC ANNEX AND RELOCATION OF STAFF

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for the Major Maintenance Project. The project consists of Improvements necessary for the renovation of the Psychiatric Annex and relocation of staff from leased office space to MIHS property at 24th Street & Roosevelt Street. The request is contingent on Facility Review Committee (FRC) review and approval on March 20, 2003. This project is funded in the FY 2002-2003 Operating budget, Fund 535, Agency 900, Organization 9001 and Object code 91500. (C90030385)

APPOINTMENT OF VICTORIA PRINS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Victoria Prins to the Maricopa County Citizens' Advisory Audit Committee, representing District 3. The term of the appointment shall commence on April 2, 2003, and expire on April 16, 2005. (C03030067) (ADM2602)

APPOINTMENT OF PETER MORAGA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Peter Moraga to the Self-Insured Trust Fund, Board of Trustees, representing District 5. The term of the appointment shall commence on April 2, 2003, and expire April 1, 2006. (C05030047) (ADM3713)

HEARING SET – ENVIRONMENTAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, May 7, 2003, as required by Arizona Revised Statutes §49-479(b), to solicit comments on proposed revisions to the Maricopa County Air Pollution Control Regulations: Rule 204 (Emission Reduction Credits for the Arizona Emissions Bank), Rule 210 (Title V Permit Provisions), Rule 220 (Non-Title V Permit Provisions), and Rule 240 (Permit Modifications for New Major Sources and Major Modifications to Existing Major Sources) and to solicit comments on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rules 204, 210, 220 and 240, and to submit the rules as a revision to the (Arizona) State Implementation Plan. (C88030327) (ADM2354)

HEARING SET - PLANNING AND ZONING CASES

There were none scheduled at this time.

MINUTES

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held January 23 and February 3, 2003.

PRECINCT COMMITTEEMEN

Authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

SECURED TAX ROLLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From No.	To No.	Net Result
1999	7190	7221	-\$4,730.74
2000	10409	10464	-\$20,409.14
2001	35303	35480	-\$277,957.02
2001	35481	35513	-\$69,387.24
2002	9066	9338	-\$784,515.94
2002	9339	9393	\$144,920.28

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

Name	Warrant	Fund	Amount
Aarion Johnson	13-0158492	Treasurer	\$464.66
Shane Kuhns	500881	Payroll Clearing Acct.	\$1,095.36
Mellon Mortgage Co.	547718	Expense	\$1,232.55
Refugio Rodriquez	545616	Expense	\$3,143.18
Irvin Weinman	C032048	General	\$85.00

SCHOOL

Name	School	Warrant	Amount
Tim Allen	Litchfield #79	43-0012687	\$104.87
Ryan Anderson	Osborn	13-0109930	\$525.68
Melanie D. Bell	Mesa	73-0049376	\$674.44
Lisa A. Clawson	Mesa	730046177	\$57.23
Louie Conchos	Pendergast	13-0109410	\$96.19
Dunn-Edwards	Litchfield	42-0109100	\$126.88
Nancy Franco	Isaac #5	13-0099973	\$482.61
Maria J. Gamez	Mesa	73-0049851	\$359.26
Aide Garcia	Alhambra #68	130108804	\$575.44

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
April 2, 2003

Guadalupe Hernandez	Avondale #44	13-1015841	\$512.56
Edmund A. Murphy	Roosevelt #66	130111847	\$723.45
Ryan Allen Perry	Mesa	73-45534	\$69.06
Pinnacle One	Isaac #5	430071840	\$6,900.00
Elias Sandoval	Murphy #21	13-0107731	\$631.80
Louis Stapleton	PESD #1	130105026	\$322.51
Lauren Stark	Fowler	430092147	\$792.00
Barbara Stern	Supt. of Schools	13-0112627	\$901.19
Jeffery Todd	Supt. of Schools	43-0095121	\$120.00
Crystal Velasquez	Mesa	73-48064	\$262.20

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
MCSO/CHS	\$20,914.58
Mark F. Macias	\$280.85
Daniel Rodriguez	\$149.15
Mark D. Rugddire	\$106.95
Patricia J. Urdialez	\$306.30

TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases, list dated April 2, 2003. (ADM704)

1999

TX 01-000082

2000

2001

TX 00-000675

TX 00-000759

2001 / 2002

2002

TX 01-000601

TX 01-000671

2002/2003

2003

ST 02-000083

ST 02-000130

TX 02-000549

TX 02-000585

CLASSIFICATION CHANGES

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION

April 2, 2003

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
102-80-008	2000	Evelio Padilla	LC/4	LC/3
102-80-008	2001	Evelio Padilla	LC/4	LC/3
102-80-008	2002	Evelio Padilla	LC/4	LC/3
116-31-122	2002	Maria Valenzuela	LC/4	LC/3
118-57-063	2000	Carol Benton	LC/4	LC/3
118-57-063	2001	Carol Benton	LC/4	LC/3
118-57-063	2002	Carol Benton	LC/4	LC/3
140-14-215	2000	Eric Rupnow	LC/4	LC/3
140-14-215	2001	Eric Rupnow	LC/4	LC/3
140-14-215	2002	Eric Rupnow	LC/4	LC/3
144-80-095	2000	Brian D Combs	LC/4	LC/3
144-80-095	2001	Brian D Combs	LC/4	LC/3
144-80-095	2002	Brian D Combs	LC/4	LC/3
148-09-080	2002	Sarone Burchard	LC/4	LC/3
165-29-098	2000	Gary R Ellis	LC/4	LC/3
165-29-098	2001	Gary R Ellis	LC/4	LC/3
165-29-098	2002	Gary R Ellis	LC/4	LC/3
173-26-392	2000	Thomas O'Neill	LC/4	LC/3
173-26-392	2001	Thomas O'Neill	LC/4	LC/3
173-26-392	2002	Thomas O'Neill	LC/4	LC/3
174-27-214	2000	Burnett Peter	LC/4	LC/3
174-27-214	2001	Burnett Peter	LC/4	LC/3
174-27-214	2002	Burnett Peter	LC/4	LC/3
176-03-901	2000	Joseph Vandenoever	LC/4	LC/3
176-03-901	2001	Joseph Vandenoever	LC/4	LC/3
176-03-901	2002	Joseph Vandenoever	LC/4	LC/3
218-35-580	2000	Wallace Vawter	LC/4	LC/3
218-35-580	2001	Wallace Vawter	LC/4	LC/3
218-35-580	2002	Wallace Vawter	LC/4	LC/3
218-67-880	2001	Ernie Wormlinger	LC/4	LC/3
218-67-880	2002	Ernie Wormlinger	LC/4	LC/3
302-96-869	2002	Richard Allen	LC/4	LC/3
305-05-486	2000	R C Smith	LC/4	LC/3
305-05-486	2001	R C Smith	LC/4	LC/3
305-05-486	2002	R C Smith	LC/4	LC/3
400-27-047B	2000	Linda Cavalliere	LC/4	Mixed
400-27-047B	2001	Linda Cavalliere	LC/4	LC/3
400-27-047B	2002	Linda Cavalliere	LC/4	LC/3
504-52-082	2001	Jose Ortega	LC/4	LC/3
504-52-082	2002	Jose Ortega	LC/4	LC/3
507-01-801	2002	Ralph Norrander	LC/2	LC/3

PUBLIC COMMENT

No member of the public came forward to speak at this time. (ADM605)

FORMAL SESSION
April 2, 2003

SUPERVISORS' COMMENTS

Supervisor Kunasek extended an invitation to his constituents to meet with him at the Desert Outdoor Center at Lake Pleasant Friday morning, April 4, at 8:00 a.m. He said it is a showpiece of the County's Park System that he feels is not used to its full potential. (ADM606)

Supervisor Stapley said an important and exciting event was approaching on April 15 when the Grand Canyon Council of the Boy Scouts of America will honor a scout at a fund raising luncheon at the Biltmore. Danny Ainge, former coach and player for the Phoenix Suns and Boston Celtics, is the Boy Scout being honored and there should be a star-studded panel of "roasters" to heat things up, including Charles Barkley, Kevin McHale, Steve Young and Jerry Colangelo.

Supervisor Wilcox said she had missed the March 31 Informal Board Meeting to attend some of the many birthday events in the County to honor a great civil rights leader, Cesar Chavez.

Chairman Brock reminded the public that the County's web site, www.maricopa.gov will have the Task Force recommendations for the Maricopa Integrated Health System posted there. He also reminded the public to remember Fluffy, this month's Pet of the Month, and the other adoptable animals waiting for a home at the County's Animal Care and Shelter facilities.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA

- 1. S2001-059 District 4**
Applicant: C.H.I. Incorporated
Location: South of Bethany Home Rd., along the east side of 127th Ave. (in the west Glendale/Litchfield Park area)
Request: Final Plat in the R1-35 R.U.P.D. zoning district for Wigwam Creek North Unit 2B (approximately 22 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- 2. S2001-078 District 3**
Applicant: SKG Engineering, Inc. on behalf of Anthem Arizona, L.L.C.
Location: North of Anthem Way near the 19th Avenue alignment (in the Anthem area)
Request: Amended Final Plat in the R1-10 R.U.P.D. zoning district for Anthem Unit 26 (Approximately 90 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat as amended.

- 3. S2002-065 District 3**

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

Applicant: Stanley Consultants, Inc. on behalf of Anthem Arizona, L.L.C.
Location: Along the north side of Meridian Road (in the Anthem area)
Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 45 (approximately 29 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- 4. S2002-066 District 3**
Applicant: Stanley Consultants, Inc. on behalf of Anthem Arizona, L.L.C.
Location: Along the north side of Meridian Road (in the Anthem area)
Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 43 (approximately 53 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- 5. S2002-068 District 3**
Applicant: Stanley Consultants, Inc. on behalf of Anthem Arizona, L.L.C.
Location: Along the north side of Meridian Road (in the Anthem area)
Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 47 (approximately 29 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- 6. S2002-071 District 3**
Applicant: Stanley Consultants, Inc. on behalf of Anthem Arizona, L.L.C.
Location: North of Anthem Way, along the north side of Golf Crest Dr. (in the Anthem area)
Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 28

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

REGULAR AGENDA

- 7. Z2002-036 District 4**
Applicant: Mary J. Pacholke (a.k.a. Mary Pacholke Woodard)
Location: Approx. 3,500' west of 411th Ave. along Indian School Rd. (in the Tonopah area)
Request: Rezone from Rural-43 to C-2 C.U.P.D. for Tonopah Hot Springs Wellness Center (2.68 acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2002-036, subject to the following stipulations "a" through "p". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Tonopah Hot Springs Wellness Center", consisting of two full-size sheets prepared by the applicant, dated and stamped received February 12, 2003, except as modified by the following stipulations. The applicant shall submit a revised site plan within 30 days of Board of Supervisors approval relocating the sign along Indian School Road outside of County right-of-way.

**FORMAL SESSION
April 2, 2003**

- b. Development shall be consistent with the narrative report entitled "Tonopah Hot Springs Wellness Center" consisting of three pages and stamped received February 12, 2003, except as modified by the following stipulations.
- c. A drainage clearance shall be obtained prior to the issuance of building permits.
- d. Solid fencing along the north side of Parcel 506-34-006H should provide openings for the two drainage washes. The western gate on the north fence should span the drainage swale. The eastern drainage swale shall span with a gate or wrought iron fence, or left open. All solid fencing should have three (3) 8" x16" drainage openings per 13-foot panel at base course. Openings are to be made by turning block on side; no decorative block shall be used for drainage openings.
- e. The access easement providing access to the site from Indian School Road shall be paved a minimum 24' width and all internal driveways and parking areas (except the driveway leading to the future garage) shall be paved.
- f. Dedication of additional rights-of-way to bring the total half-width dedication to 55' for Indian School Road shall occur within 6 months of approval of this request by the Board of supervisors, and prior to zoning clearance.
- g. The applicant shall bond for one-lane of strip pavement improvement to Indian School Road adjacent to the site.
- h. The proposed parking spaces at the northeast corner of the property and the driveways and aisle connecting to those spaces shall be a part of the initial development of the site. Parking spaces may be relocated on the site plan, but a revised site plan shall be submitted in such instance.
- i. The number of customers at the subject property at one time shall be limited to nine, to include a maximum of eight customers at the outdoor hot water spas and one customer for the indoor massage therapy.
- j. All outdoor hot water tubs shall meet all County pool barrier requirements.
- k. The request shall meet all requirements of Chapter VI, Bathing Places, of the Maricopa County Health Code. The Health Code requires approval of plans prior to construction, operational permitting, and approval of water sources.
- l. Major changes to this Precise Plan (the site plan and narrative report) shall be process as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- m. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- o. A Commercial Unit Plan of Development (C.U.P.D.) Overlay Zone is applied to the site to waive screen wall requirements.
- p. Nudist activities shall be prohibited.

Joy Rich, Chief, Regional Development Services Agency, reported on the background on this item saying that a protest had been received against allowing a "clothing optional" capability at this spa, if approved. This is an option at several other spas in the area. A stipulation was added at the Planning Commission to prohibit nudist activities and there is no other opposition. Planning Commission and staff recommend approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried, (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "p."

8. **Z2002-099 District 4 CONTINUED TO APRIL 16, 2003.**
 Applicant: Stephen D. Buck, Lite Flyer Ultra Light for James Omer Pierce
 Location: South side of MC 85, east of SR85 (in the central Buckeye area)
 Request: Plan of Development for aircraft hangers in the IND-2 zoning district for Lite Flyer Ultra Light (2.17 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-099, subject to the following stipulations "a" through "j". Commissioner Jones seconded the motion, which passed with a majority vote of 4-3, indicated by roll call as follows:

Commissioner Jones – yes	Commissioner Aster – no
Commissioner Beckley – yes	Commissioner Smith – no
Commissioner Munoz – yes	Commissioner Harris – no
Commissioner Clayburg – yes	

- a. Development shall comply with the site plan entitled "Lite Flyer at Pierce Airport Hangar Layout", consisting of one (1) full-size sheet, dated revised September 25, 2002 and stamped received October 10, 2002, except as modified by the following stipulations.
- b. Development shall comply with the narrative report entitled "Lite Flyer Ultralight Chapter 55 at Pierce Airport", consisting of six (6) pages, dated revised September 25, 2002 and stamped received October 10, 2002, except as modified by the following stipulations.
- c. Only ultra-light aircraft will be stored on site. The storage of any other type of aircraft will require a major amendment to this plan of development.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

- d. Major changes to this plan of development (site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- e. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. Building permits, including a drainage clearance, must be obtained for the hangar buildings.
- g. No person shall operate, maintain, use or allow the use of any area larger than 5,000 square feet for the parking, storage or servicing aircraft without first implementing reasonably available control measures to effectively prevent or minimize fugitive dust at the discretion of the Maricopa county Environmental Services Department.
- h. All outdoor lighting shall conform to Section 1112 of the Maricopa County Zoning Ordinance.
- i. Noncompliance with the plan of development (the site plan and narrative report) or conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- j. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this request as set forth in Section 304.6 of the MCZO.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried, (5-0) to continue this item to the April 16, 2003, meeting at the applicant's request.

- 9. Z2002-107 District 4**
Applicant: Dave Maguire, Land Solutions for Adobe Land and Cattle, LLC
Location: East of the Perryville Rd. alignment, between Camelback Rd. and Bethany Home Rd. (in the west Glendale/Goodyear area)
Request: Rezone from Rural-43 to R1-18 (37.69 acres) and R1-10 (119.97 acres) for Savannah

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-107, subject to the following stipulations "a" through "p". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

**FORMAL SESSION
April 2, 2003**

- a. Development of the site shall be consistent with the zoning exhibit entitled "Zoning Exhibit for Savannah", consisting of one (1) full-size sheet, dated revised December 09, 2002, stamped by the engineer January 10, 2003, and stamped received January 16, 2003, except as modified by the following stipulations. A revised zoning exhibit shall be submitted within 30 days of approval by the Board of Supervisors that incorporates an open space/recreation element.
- b. Development of the site shall comply with the narrative report entitled "A Rezoning Exhibit, Savannah, A Residential Neighborhood", consisting of seven (7) pages plus exhibits, dated revised October 22, 2002 and stamped received December 13, 2002, except as modified by the following stipulations.
- c. Concurrent with the submittal of a final plat for any portion or phase of this development, final infrastructure plans, including a final landscape plan, is to be submitted to the One Stop Shop for review and approval, said approval to occur prior to the recordation of any final plats for this subdivision.
- d. Prior to zoning clearance, the applicant shall dedicate an ultimate 65' half-width for Perryville Rd. adjacent to the site.
- e. All interior streets within the proposed development are to be constructed to minimum County standards.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way. All landscaping shall comply with Chapter 9 of the MCDOT Roadway Design Manual.
- g. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- h. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- i. Written notification shall be provided to all future homeowners that they are located within the State-defined Territory in the Vicinity of a Military Airport and may be subject to loud noise from military aircraft. Such notification shall be recorded on all final plats, be posted in a conspicuous location within the sales office(s), and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report.
- j. All habitable buildings constructed within this subdivision shall be constructed to attain noise reduction as per A.R.S. § 28-8482(B).
- k. Prior to final plat approval the applicant shall provide a will-serve letter from Rural/Metro Fire Department or another acceptable fire protection service provider.
- l. Zoning approval is conditional pending the adequate provision of water and wastewater services to the project. If a final plat is not approved within two years of zoning approval

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 2, 2003**

by the Board of Supervisors, the Commission can consider reversion of the zoning back to Rural-43 in accordance with the Maricopa County Zoning Ordinance. Any request for extension must be received at least six months before the expiration date.

- m. Major changes to this plan of development (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Commission. Minor changes to the Plan of Development may be administratively approved by the staff of the Planning and Development Department.
- n. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- o. Applicant must participate in initial construction of the Regional Wastewater Solution, Arizona-American Water Company Agua Fria Division.
- p. The northern row of housing and the two easternmost rows of housing shall be limited to one-story in height.

Joy Rich, Chief, Regional Development Services Agency, summarized action taken by the Planning Commission regarding this item. This development is not in conformance with the Glendale General Plan and the town does have some concerns regarding approval of this request because of an issue in getting water and wastewater to the site. The water provider for the area is working with the applicant to phase-in necessary improvements. The Planning Commission recommended approval.

Michael Hughes was present to answer questions for the applicant but there were none.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commissions recommendation for approval subject to stipulations "a" through "p."

- 10. Z2002-137 District 2**
Applicant: Kristine Blatchford
Location: East of the southeast corner of Gilbert Rd. and Water Tank Rd. (in the central Gilbert area)
Request: Special Use Permit (S.U.P.) for a hair salon as a Cottage Industry in the Rural-43 Zoning district for La Buono Vita Salon (1.25 acres)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2002-137, subject to the following stipulations "a" through "i". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan, consisting of one (1) 11" x 17" sheet, dated January 25, 2003, and stamped received ~~January 13~~ FEBRUARY 24, 2003, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Revised Narrative Report", consisting of three (3) pages, dated January 12, 2003, and stamped received January 13, 2003 except as modified by the following stipulations.

**FORMAL SESSION
April 2, 2003**

- c. This Special Use Permit shall expire 15 years from the date of approval by the Board of Supervisors, upon sale of the property, or upon termination of the use, whichever occurs first. All of the site improvements associated with the Special Use Permit, shall be removed within 60 days of such termination or expiration.
- d. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board of Supervisors. Staff, to determine whether the Special Use Permit remains in compliance with the approved stipulations, shall review the status report.
- e. The customer parking area shall be screened from the street with a low planter or decorative wall with landscaping.
- f. Prior to drainage clearance, the applicant shall provide a grading and drainage plan that includes the proposed parking spaces and driveway. The plan must show the existing finished floor elevation of the house and the perimeter berm, if applicable.
- g. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Staff of the Planning and Development Department may administratively approve minor changes.
- h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Joy Rich, Chief, Regional Development Services Agency, reported on the background of this case. The City of Gilbert is opposed to this request because it does not comport with their General Plan. Two petitions of support have been received with 20 signatures and eight letters of support were also received. Seven letters of opposition were received. Ms. Rich noted that in stipulation "a" the second date of January 13, 2003, should be corrected to February 24, 2003, as noted above in the stipulation. Staff and the planning Commission recommend approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "i" as amended.

MEETING ADJOURNED

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
April 2, 2003

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board